

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #8	CCRB Case #: 201609551	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/23/2016 10:55 PM	Location of Incident: En route to Queens Central Booking	Precinct: 109	18 Mo. SOL 4/23/2018	EO SOL 4/23/2018	
Date/Time CV Reported Thu, 11/03/2016 3:28 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/03/2016 3:28 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Paschitti	26946	955300	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyle Bunch	20264	958345	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Paschitti	Discourtesy: Police Officer Nicholas Paschitti spoke discourteously to § 87(2)(b) en route to Queens Central Booking.	[REDACTED]

### Summary of Complaint

On Sunday, October 23<sup>rd</sup>, 2016, at approximately 9:13PM, § 87(2)(b) was arrested at the intersection on Northern Boulevard and 149<sup>th</sup> Street in Queens. At approximately 10:55PM, § 87(2)(b) was transported by Police Officer Nicholas Paschitti and Police Officer Kyle Bunch, both of the 109<sup>th</sup> Precinct, to Queens Central Booking. While en route to Queens Central Booking, PO Paschitti allegedly asked § 87(2)(b) if he spoke English. § 87(2)(b) responded that he did not. PO Paschitti allegedly told § 87(2)(b) that he was faking not being able to speak English. § 87(2)(b) told PO Paschitti that he could understand English, but that he could not speak it. From this point onward, PO Paschitti allegedly repeatedly said “Fucking, fucking, fucking” (**Allegation A**). § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(g) Investigator Ridge was unable to offer mediation to § 87(2)(b) as he did not respond to repeated contact attempts.
- On Thursday, December 22<sup>nd</sup>, 2016, the NYC Office of the Comptroller responded to a FOIL request that no Notice of Claim was filed regarding this incident (BR 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- § 87(2)(b), § 87(2)(g)
- PO Paschitti has been a member of service for three years, and this is the second complaint filed against him (BR04). PO Paschitti has no substantiated allegations against him. This case and the previously filed case against PO Paschitti have together generated two allegations, § 87(2)(g)

### Findings and Recommendations

#### Explanation of Subject Officer Identification

§ 87(2)(b) testified that the subject officer was a white male, stood 5’6” to 5’7” tall, had a bald head, had a high nose, and was dressed in uniform (BR05). § 87(2)(b) did not know if the subject officer was there when he was originally arrested. The Command Log for the date of

occurrence indicates that the number of the vehicle that transported § 87(2)(b) to Queens Central Booking was “5256” (BR06). On the Roll Call for the date and tour of occurrence, PO Paschitti and PO Bunch were listed as being assigned to vehicle number 5256 (BR07). This is also corroborated in PO Paschitti’s memo book (BR08). PO Paschitti also wrote in his memo book that he transported one male prisoner to Queens Central Booking at 11:00PM. This is the approximate time of transport for § 87(2)(b) to Queens Central Booking as listed in the Command Log. On his pedigree sheet, PO Paschitti listed that he is a white male who stands 5’10” tall, has brown hair, and was dressed in uniform at the time of the incident (BR08). While PO Paschitti’s hair is brown, he does have a receding hairline, such that his head could be perceived as bald. Further, PO Paschitti’s partner, PO Bunch does not fit the description of the subject officer. On his pedigree sheet, PO Bunch listed that he is a white male who stands 6’0” tall, has blonde hair, and was dressed in uniform at the time of the incident (BR09). PO Bunch has a fair amount of hair, § 87(2)(g)

**Allegation A -Discourtesy: Police Officer Nicholas Paschitti spoke discourteously to § 87(2)(b)**

In his interview at the CCRB on November 3<sup>rd</sup>, 2016, § 87(2)(b) testified that on October 23<sup>rd</sup>, 2016, at approximately 6:40PM, he left a supermarket on Northern Boulevard and 149<sup>th</sup> Street in Queens when he was pulled over by the police from the 109<sup>th</sup> Precinct (BR05). § 87(2)(b) was arrested for § 87(2)(b) and was taken to the 109<sup>th</sup> Precinct Stationhouse.

After he was processed at the stationhouse, § 87(2)(b) was transported by PO Paschitti and PO Bunch to Queens Central Booking. PO Paschitti asked § 87(2)(b) if he spoke English. § 87(2)(b) told PO Paschitti that he did not. PO Paschitti told § 87(2)(b) that he was faking it. § 87(2)(b) told PO Paschitti that he could understand English, but that he could not really speak it. After § 87(2)(b) said this, PO Paschitti began to say “Fucking, fucking, fucking,” and did so repeatedly for the rest of the ride to Queens Central Booking.

During their interviews at the CCRB, PO Paschitti and PO Bunch testified that they had transported one male prisoner to Queens Central Booking at about the time of the incident; however, they had no specific familiarity with the incident (BR10, BR 11). When presented with the arrest photograph of § 87(2)(b) and when provided with other details regarding the incident, both PO Paschitti and PO Bunch could not recall the incident. Both PO Paschitti and PO Bunch stated that they would have no reason to speak with a prisoner being transported to Queens Central Booking, as they would already have all of the information they need to take the prisoner there. Further PO Paschitti and PO Bunch could not recall speaking with a prisoner whom they were transporting that day. PO Paschitti stated that he did not say “Fucking, fucking, fucking” to § 87(2)(b) (BR10). PO Bunch stated that PO Paschitti did not say “Fucking, fucking, fucking,” to § 87(2)(b) (BR11).

Patrol Guide 203-09: Public Contact—General states that members of the service must “be courteous and respectful” (BR12).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

---

Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date